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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,113	12/10/2003	Michael Krieger	32405-199591	4513
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VECTOR PRODUCTS, INC. ROBERT POWELL P.O. BOX 34385 c/o VENABLE LLP WASHINGTON, DC 20043-9998			EXAMINER NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,113

Applicant(s)

KRIEGER, MICHAEL

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-36 is/are rejected.
- 7) ☒ Claim(s) 14, 18, 19, 23, 24, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date See Continuation 03/04, 07/04, 03/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continuation of Attachment No. 3: Information Disclosure Statements filed March 19, 2004; July 15, 2004; and March 7, 2005.

DETAILED ACTION

Response to Amendment

1. Applicant's preliminary amendment filed on February 13, 2004 has been entered. No claim has been amended. Claims 1-13 have been cancelled. Claims 14-36 have been added. Claims 14-36 are still pending in this application, with claims 14 and 25 being independent.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "**142**" has been used to designate both "AC prongs" (page 7, line 16) and "AC connector" (page 7, line 16). In addition, note reference character "**130**", used to designate "power supply" (page 6, line 4) and "battery" (page 8, line 10).

The applicant is advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a modification of such part. See MPEP §608.01(g). Correction is required.

The applicant is further advised that this action only exemplifies the objections to the drawings, applicant's cooperation is requested in correcting all the occurrences of the cited, or any other errors of which applicant may become aware in the specification.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 14 is objected to because of the following informalities: it recites the limitation "*the rechargeable battery*" in line 8. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since it is readily apparent that the claims are referring back to the previously recited rechargeable power supply (line 3). However, appropriate correction is required to place the claims in proper form for allowance.

The Examiner respectfully suggests amending line 8 of Claim 14 to read:

power to the AC-to-DC converter for recharging the rechargeable
~~battery~~ **power supply**.

5. Claim 18 is objected to because of the following informalities: it recites the limitation "*the second housing*" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since it is readily apparent that the claims are referring back to the second housing recited in previous Claim 15. However, appropriate correction is required to place the claims in proper form for allowance. The applicant is advised that in comparing the claims with the Prior Art the Examiner assumed claim 18 to be dependent on Claim 15.

The Examiner respectfully suggests amending Claim 18 to read:

The portable light of claim ~~46~~ 15, wherein the second housing meets UL standard 1310.

6. Claims 19, 23 and 24 are objected for the same reasons as Claim 18 (see Section 4, above).

7. Claim 35 is objected to because of the following informalities: it is dependent on nonexistent Claim 2512, and it recites the limitation "*the handle*" in line 2. There is insufficient antecedent basis for this limitation in the claim.

The dependency of Claim 35 on Claim 2512 was interpreted as a typographical error. The applicant is advised that in comparing the claims with the Prior Art the Examiner assumed claim 35 to be dependent on Claim 25.

Regarding the lack of antecedent basis, the Examiner respectfully suggests amending Claim 35 to read:

The light source of claim ~~25~~ 25, further comprising a switch arranged on the a handle, the switch making and breaking a connection between the light source and the power supply.

8. Claim 36 is objected to because of the following informalities: it recites the limitation "*the switch*" in line 3. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since it is readily apparent that the claims are referring back to the switch recited in previous Claim 35. However, appropriate correction is required to place the claims in proper form for allowance. The applicant is advised that in comparing the claims with the Prior Art the Examiner assumed claim 36 to be dependent on Claim 36.

The Examiner respectfully suggests amending Claim 18 to read:

The light source of claim ~~32~~ 35, further comprising a locking mechanism disposed on the handle, the locking mechanism for being actuated by a user to interact with the switch to lock the switch in an ~~on~~ ON position.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 14-17, 23-27, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by WERNER (U.S. Pat. 2,628,339).

10. WERNER discloses an illumination device having:

- **a first housing (as recited in claims 14 and 25), Figure 1, reference numbers 11, 14 and 75;**
- **a rechargeable power supply (as recited in claims 14 and 25), column 3, line 50;**
- **the power supply being disposed in the first housing (as recited in claims 14 and 25), column 3, lines 50-55;**
- **a light source (as recited in claims 14 and 25), Figure 1, reference number 16;**
- **the light source being coupled to the power supply (as recited in claims 14 and 25), inherent;**
- **an AC to DC converter (as recited in claims 14 and 25), Figure 1, reference number 80;**

- **the converter being disposed within the first housing (as recited in claims 14 and 25), as seen in Figure 1;**
- **the converter including an AC connector (as recited in Claim 14), Figure 1, reference number 79;**
- **the AC connector being arranged for connection to an external power cord (as recited in Claim 14), as evidenced by Figure 2;**
- **the AC connector being arranged for delivering AC power to the converter for recharging the rechargeable power supply (as recited in Claim 14), column 5, lines 1-11;**
- **the converter including a second housing (as recited in claims 15 and 25), Figure 1, reference numbers 80 and 81;**
- **the converter including an AC to DC converter circuitry (as recited in claims 15 and 25), column 4, lines 55-64;**
- **the converter circuitry being disposed within the second housing (as recited in Claim 15), as seen in Figure 1;**
- **the AC connector including prongs (as recited in Claim 16), Figure 1, reference number 79;**
- **the converter circuitry including a wall cube (as recited in claims 17 and 27), as seen in Figure 1;**
- **the first housing substantially enclosing the second housing (as recited in Claim 26), as seen in Figure 1;**
- **a switch (as recited in Claim 35), Figure 1, reference number 36;**

- **a handle (as recited in Claim 35), Figure 1, reference number 11;**
- **the switch being arranged in the handle (as recited in Claim 35), column 3, lines 43-55;**
- **the switch making and breaking a connection between the light and the power supply (as recited in Claim 35), column 3, lines 42-49;**
- **a locking mechanism (as recited in Claim 36), as evidenced by Figure 1;**
- **the locking mechanism being disposed on the handle (as recited in Claim 36), as seen in Figure 1; and**
- **the locking mechanism being actuated by a user to interact with the switch to lock the switch in an ON position (as recited in Claim 36), as evidenced by column 3, lines 42-49.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 18, 19, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over WERNER (U.S. Pat. 2,628,339).

12. WERNER discloses an illumination device having:

- **a first housing (as recited in claims 14 and 25), Figure 1, reference numbers 11, 14 and 75;**
- **a rechargeable power supply (as recited in claims 14 and 25), column 3, line 50;**
- **the power supply being disposed in the first housing (as recited in claims 14 and 25), column 3, lines 50-55;**
- **a light source (as recited in claims 14 and 25), Figure 1, reference number 16;**
- **the light source being coupled to the power supply (as recited in claims 14 and 25), inherent;**
- **an AC to DC converter (as recited in claims 14 and 25), Figure 1, reference number 80;**
- **the converter being disposed within the first housing (as recited in claims 14 and 25), as seen in Figure 1;**
- **the converter including an AC connector (as recited in Claim 14), Figure 1, reference number 79;**
- **the AC connector being arranged for connection to an external power cord (as recited in Claim 14), as evidenced by Figure 2;**
- **the AC connector including prongs (as recited in Claim 16), Figure 1, reference number 79;**

- **the AC connector being arranged for delivering AC power to the converter for recharging the rechargeable power supply (as recited in Claim 14), column 5, lines 1-11;**
- **the converter including a second housing (as recited in Claim 25), Figure 1, reference numbers 80 and 81; and**
- **the converter including an AC to DC converter circuitry (as recited in Claim 25), column 4, lines 55-64.**

13. WERNER discloses all the limitations of the claims, except the second housing meeting the UL Standard 1310, or UL Standard 94 V1.

14. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to have the second housing satisfy the requirements of UL Standard 1310, or UL Standard 94 V1 (as recited in claims 18, 19, 28 and 29), since satisfying the operational and/or regulatory requirements of a particular application would have flown naturally to one of ordinary skill in the art.

15. Claims 20-22, 30, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over WERNER (U.S. Pat. 2,628,339) in view of ZELLER (U.S. Pat. 6,260,985).

16. WERNER discloses an illumination device having:

- **a first housing (as recited in claims 14 and 25), Figure 1,**
reference numbers 11, 14 and 75;
- **a rechargeable power supply (as recited in claims 14 and 25),**
column 3, line 50;
- **the power supply being disposed in the first housing (as**
recited in claims 14 and 25), column 3, lines 50-55;
- **a light source (as recited in claims 14 and 25), Figure 1,**
reference number 16;
- **the light source being coupled to the power supply (as recited**
in claims 14 and 25), inherent;
- **an AC to DC converter (as recited in claims 14 and 25), Figure**
1, reference number 80;
- **the converter being disposed within the first housing (as**
recited in claims 14 and 25), as seen in Figure 1;
- **the converter including an AC connector (as recited in Claim**
14), Figure 1, reference number 79;
- **the AC connector being arranged for connection to an external**
power cord (as recited in Claim 14), as evidenced by Figure 2;
- **the AC connector being arranged for delivering AC power to**
the converter for recharging the rechargeable power supply
(as recited in Claim 14), column 5, lines 1-11;

- **a handle (as recited in claims 20 and 30), Figure 1, reference number 11;**
- **the handle having a first end and a second end (as recited in claims 20 and 30), as seen in Figure 1;**
- **the light source being disposed on the handle (as recited in claims 21 and 33), as seen in Figure 1;**
- **the converter including a second housing (as recited in Claim 25), Figure 1, reference numbers 80 and 81; and**
- **the converter including an AC to DC converter circuitry (as recited in Claim 25), column 4, lines 55-64.**

17. WERNER discloses all the limitations of the claims, except:

- the handle being pivotally coupled to the first housing (as recited in claims 20 and 30);
- the handle being pivotable between a raised position and a lowered position (as recited in claims 22 and 30);
- a pivot coupling (as recited in Claim 30);
- the coupling joining the second end of the handle to the housing (as recited in Claim 30);
- a second light source (as recited in Claim 34); and
- the second light source being disposed in the housing (as recited in Claim 34).

18. ZELLER discloses an illumination device having:

- **a first housing (as recited in claims 14 and 25), Figure 1, reference number 14;**
- **a rechargeable power supply (as recited in claims 14 and 25), column 4, lines 40-49;**
- **the power supply being disposed in the first housing (as recited in claims 14 and 25), column 4, lines 40-49;**
- **a light source (as recited in claims 14 and 25), as evidenced by column 3, lines 8-17;**
- **the light source being coupled to the power supply (as recited in claims 14 and 25), inherent;**
- **a handle (as recited in claims 20 and 30), Figure 1, reference number 16;**
- **the handle having a first end (as recited in claims 20 and 30), Figure 1, reference number 22;**
- **the handle having a second end (as recited in claims 20 and 30), Figure 1, reference number 20;**
- **the light source being disposed on the handle (as recited in claims 21 and 33), as seen in Figure 1;**
- **the handle being pivotally coupled to the first housing (as recited in claims 20 and 30), column 3, lines 9-12;**

- **the handle being pivotable between a raised position and a lowered position (as recited in claims 22 and 30), column 3, lines 9-15;**
- **a pivot coupling (as recited in Claim 30), as evidenced by column 3, lines 9-12;**
- **the coupling joining the second end of the handle to the housing (as recited in Claim 30), column 3, lines 9-12;**
- **a second light source (as recited in Claim 34), Figure 23, reference number 100; and**
- **the second light source being disposed in the housing (as recited in Claim 34), as seen in Figure 23.**

19. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to add the pivotable handle of ZELLER to the illumination device of WERNER, to be able to redirect the light from the light source in any desired direction independent of the housing, as per the teachings of ZELLER (see column 3, lines 9-18).

20. In addition, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to add a second light source to the housing of WERNER, to increase the utility of the illumination device, as per the teachings of ZELLER.

21. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over WERNER (U.S. Pat. 2,628,339) in view of ZELLER (U.S. Pat. 6,260,985) as applied to claims 25 and 30 above, and further in view of YUEN.

22. WERNER and ZELLER disclose individually, or suggest in combination, all the limitations of the claims (as detailed in sections 16-20 of the instant Office Action) except:

- a lock (as recited in Claim 31);
- the lock being configured to lock the handle in at least one of the raised and lowered positions (as recited in Claim 31); and
- the lock having a spring lock mechanism (as recited in Claim 32).

23. YUEN discloses a mechanism for locking handles of illumination devices (Figure 6, reference number 50) in one of a plurality of operational positions, such locking mechanism being spring pressure mechanism (Figure 6, reference number 52).

24. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the locking mechanism of YUEN in the illumination device of WERNER and ZELLER, to be able to lock the handle in a desired position, as per the teachings of YUEN (see column 6, lines 32-49).

Relevant Prior Art

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oldenburger (U.S. Pat. 3,250,909), **Shigeo** (U.S. Pat. 4,422,130) and **Hsiao** (U.S. Pat. 4,535,391) disclose illumination devices having a housing including rechargeable batteries, and a light source located inside a pivotable lamp head. The devices further include integrated AC to DC converters for recharging the batteries.

Talbot et al. (U.S. Pat. 2,861,174), **Umholtz** (U.S. Pat. 3,233,092), **Dahl** (U.S. Pat. 3,479,499) and **Otagoshi** (U.S. Pat. 3,961,175) disclose a plurality of illumination devices having a light source located inside a lamp head, such lamp heads being pivotally attached to a housing including batteries.

Conclusion

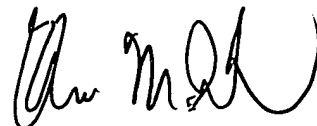
26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

Art Unit: 2875

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

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THOMAS M. SEMBER
PRIMARY EXAMINER

September 3, 2005